

Effective 3/23/2021

Title 26B. Department of Health and Human Services

**Chapter 1
General Provisions and Organization**

**Part 1
General Provisions**

26B-1-101 Title.

This title is known as the "Department of Health and Human Services."

Enacted by Chapter 422, 2021 General Session

26B-1-102 Definitions.

As used in this title:

- (1) "Department" means the Department of Health and Human Services created in Section 26B-1-201.
- (2) "Department of Health" means the Department of Health created in Section 26-1-4.
- (3) "Department of Human Services" means the Department of Human Services created in Section 62A-1-102.

Enacted by Chapter 422, 2021 General Session

26B-1-103 Purpose of title -- Consolidation of functions into single state agency.

The purpose of this title is to consolidate into a single agency of state government all of the functions exercised by:

- (1) the Department of Health, including all of the powers and duties described in Title 26, Utah Health Code; and
- (2) the Department of Human Services, including all of the powers and duties described in Title 62A, Utah Human Services Code.

Enacted by Chapter 422, 2021 General Session

**Part 2
Organization**

26B-1-201 Department of Health and Human Services -- Creation -- Duties.

- (1) There is created within state government the Department of Health and Human Services, which has all of the policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities outlined in this title.
- (2) In addition to Subsection (1), during the transition period described in Section 26B-1-201.1, the Department of Health and Human Services may exercise any of the policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities of the Department of Health and the Department of Human Services under the joint direction of:
 - (a) the executive director of the Department of Health; and

- (b) the executive director of the Department of Human Services.

Enacted by Chapter 422, 2021 General Session

26B-1-201.1 Transition to single state agency -- Transition plan -- Restricted Account.

- (1) As used in this section:
 - (a) "Transition agencies" means the:
 - (i) Department of Health; and
 - (ii) Department of Human Services.
 - (b) "Transition period" means the period of time:
 - (i) during which the transition of the department to the Department of Health and Human Services takes place; and
 - (ii) beginning on the effective date of the bill, and ending on July 1, 2022.
- (2) On or before December 1, 2021, the transition agencies shall develop a written transition plan for merging the functions of the transition agencies into the Department of Health and Human Services on July 1, 2022, in order to:
 - (a) more efficiently and effectively manage health and human services programs that are the responsibility of the state;
 - (b) establish a health and human services policy for the state; and
 - (c) promote health and the quality of life in the health and human services field.
- (3) The written transition plan described in Subsection (2) shall describe:
 - (a) the tasks that need to be completed before the move on July 1, 2022, including a description of:
 - (i) how the transition agencies solicited comment from stakeholders, including:
 - (A) employees of the transition agencies;
 - (B) clients and partners of the transition agencies;
 - (C) members of the public;
 - (D) the Legislature; and
 - (E) the executive office of the governor;
 - (ii) the proposed organizational structure of the department, including the transition of responsibilities of employees, by job title and classification, under the newly proposed organizational structure and a plan for these transitions;
 - (iii) office space and infrastructure requirements related to the transition;
 - (iv) any work site location changes for transitioning employees;
 - (v) the transition of service delivery sites;
 - (vi) amendments needed to existing contracts, including grants;
 - (vii) legislative changes needed to implement the transition described in this section;
 - (viii) how the transition agencies will coordinate agency rules;
 - (ix) procedures for the transfer and reconciliation of budgeting and funding of the department as the transition agencies transition into the department; and
 - (x) the transition of technology services to the department;
 - (b) the tasks that may need to be completed after the transition on July 1, 2022; and
 - (c) how the transition to the department will be funded, including details of:
 - (i) how expenses associated with the transition will be managed;
 - (ii) how funding for services provided by the transition agencies will be managed to ensure services will be provided by the transition agencies and the department without interruption; and

- (iii) how federal funds will be used by or transferred between the transition agencies and the department to ensure services will be provided by the transition agencies and the department without interruption.
- (4) The written transition plan described in Subsection (2) shall:
 - (a) include a detailed timeline for the completion of the tasks described in Subsection (3)(a);
 - (b) be updated at least one time in every two week period until the transition is complete;
 - (c) describe how information will be provided to clients of the transition agencies and the department regarding any changes to where services will be provided and the hours services will be provided;
 - (d) be provided to the:
 - (i) Health and Human Services Interim Committee;
 - (ii) Social Services Appropriations Subcommittee;
 - (iii) the executive office of the governor;
 - (iv) Division of Finance; and
 - (v) Division of Technology Services; and
 - (e) be made available to employees that are transitioning or may potentially be transitioned.
- (5) The transition agencies shall publish information that provides a full overview of the written transition plan and how the move may affect client services offered by the transition agencies on the transition agencies' respective websites, including regular updates regarding:
 - (a) how the move may affect client services offered by the transition agencies;
 - (b) information regarding the location where services are provided and the hours services are provided; and
 - (c) contact information so that clients of the transition agencies can contact transitioning employees and obtain information regarding client services.
- (6) The transition agencies may, separately or collectively, enter into a memorandum of understanding regarding how costs and responsibilities will be shared to:
 - (a) ensure that services provided under agreements with the federal government, including new and ongoing grant programs, are fulfilled;
 - (b) ensure that commitments made by the transition agencies are met;
 - (c) provide ongoing or shared services as needed, including the provision of payments to the department from the transition agencies; and
 - (d) ensure that money from the Department of Health and Human Services Transition Restricted Account created in Subsection (8) is used appropriately by the transition agencies and the department.
- (7) In implementing the written transition plan described in this section, the transition agencies and the department shall protect existing services, programs, and access to services provided by the transition agencies.
- (8)
 - (a) There is created a restricted account within the General Fund known as the "Department of Health and Human Services Transition Restricted Account."
 - (b) The restricted account shall consist of appropriations made by the Legislature.
 - (c) Subject to appropriation, the transition agencies and the department may spend money from the restricted account to pay for expenses related to moving the transition agencies into the department, including staff and legal services.

Enacted by Chapter 422, 2021 General Session

